

FEDERAL REGISTER



VOLUME 18 1934 NUMBER 218

Washington, Friday, November 6, 1953

TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10498

DELEGATING TO THE SECRETARIES OF THE MILITARY DEPARTMENTS AND THE SECRETARY OF THE TREASURY CERTAIN AUTHORITY VESTED IN THE PRESIDENT BY THE UNIFORM CODE OF MILITARY JUSTICE

By virtue of the authority vested in me by Article 140 of the Uniform Code of Military Justice (64 Stat. 107, 145) and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

The authority vested in the President by Articles 71 (a) and 74 (a) of the Uniform Code of Military Justice to remit or suspend any part or amount of the unexecuted portion of any sentence extending to death which, as approved by the President, has been commuted to a less punishment, is hereby delegated to the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force and, except when the Coast Guard is operating as a part of the Navy, the Secretary of the Treasury, respectively, as to persons convicted by military tribunals under their jurisdiction.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 4, 1953.

[F. R. Doc. 53-9427; Filed, Nov. 4, 1953;
2:28 p. m.]

EXECUTIVE ORDER 10499

DELEGATING FUNCTIONS CONFERRED UPON THE PRESIDENT BY SECTION 8 OF THE UNIFORMED SERVICES CONTINGENCY OP- TION ACT OF 1953

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. Except as otherwise provided in this order, the Secretary of Defense is hereby authorized and empowered to perform, without the approval, ratification, or other action of the President, the functions vested in the President by section 8 of the Uniformed Services Contingency Option Act of 1953, approved August 8, 1953 (Public Law 239,

83d Congress) hereinafter referred to as the Act. The Secretary of Defense, after appropriate consultation with the Secretaries of the Treasury, Commerce, and Health, Education, and Welfare, shall prepare for each fiscal year a consolidated report on operations and financing of the benefits authorized by the Act and shall present such report to the President not later than four months following the close of the fiscal year, for transmittal by the President to the Congress.

Sec. 2. The Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare are hereby severally authorized and empowered to perform, without the approval, ratification, or other action of the President, the function vested in the President by section 8 of the Act of prescribing regulations for the administration of the Act; provided that the regulations prescribed by any such Secretary shall relate only to the Department of which the Secretary is the head.

Sec. 3. The regulations prescribed by the said Secretaries under section 2 of this order shall be subject to the approval of the Secretary of Defense; shall be designed to achieve the uniform, equitable, and economical administration of the Act; shall include uniform tables of actuarial equivalents and provision that term insurance values shall be computed by uniform methods prescribed by the Board of Actuaries provided for in section 8 of the Act; and, to the extent deemed necessary, shall include (a) procedures for informing personnel of their rights, for submitting elections and claims, and for reconsideration of determinations, and (b) definitions of terms.

Sec. 4. Functions under section 8 of the Act with respect to the selection of a member of the Board of Actuaries from among the membership of the Society of Actuaries and the fixing of his compensation are reserved to the President.

Sec. 5. The meaning of the terms "functions" and "perform" as used in this order shall be the same as the mean-

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 28, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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ing of those terms as used in chapter 4 of title 3 of the United States Code.

This order shall become effective on November 1, 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 4, 1953.

[F. R. Doc. 53-9428; Filed, Nov. 4, 1953;
2:28 p. m.]

EXECUTIVE ORDER 10500

DESIGNATION OF THE POWER AUTHORITY
OF THE STATE OF NEW YORK AND ESTAB-
LISHMENT OF THE UNITED STATES SEC-
TION OF THE ST. LAWRENCE RIVER JOINT
BOARD OF ENGINEERS

WHEREAS pursuant to the provisions of the Boundary Waters Treaty of January 11, 1909 (36 Stat. 2448) the Government of the United States of America and the Government of Canada on June 30, 1952, filed concurrent and complementary applications with the International Joint Commission for an Order of Approval of the construction, jointly by entities to be designated by the respective Governments, of certain works for the development of power in the International Rapids Section of the St. Lawrence River and of the maintenance and operation of such works; and

WHEREAS the Commission on October 29, 1952, issued an Order of Approval for the construction, maintenance, and operation of such works jointly by The Hydro-Electric Power Commission of Ontario and by an entity to be designated by the Government of the United States, subject to the terms and conditions contained in that Order of Approval; and

WHEREAS condition (g) of the Order of Approval reads in part as follows:

In accordance with the Applications, the establishment by the Governments of Canada and of the United States of a Joint Board of Engineers to be known as the St. Lawrence River Joint Board of Engineers (hereinafter referred to as the "Joint Board of Engineers") consisting of an equal number of representatives of Canada and the United States to be designated by the respective Governments, is approved. The duties of the Joint Board of Engineers shall be to review and coordinate, and, if both Governments so authorize, approve the plans and specifications of the works and the programs of construction thereof submitted for the approval of the respective Governments as specified above, and to assure the construction of the works in accordance therewith as approved.

and

WHEREAS the Federal Power Commission on July 15, 1953, issued a license (hereinafter referred to as the License) to the Power Authority of the State of New York for the construction, maintenance, and operation of Project No. 2000, which project represents that portion of the works for the development of power in the International Rapids Section of the St. Lawrence River located within the United States:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Designation of the Power Authority of the State of New York.* The Power Authority of the State of New York is hereby declared to be the designee of the Government of the United States

of America for the construction of the works referred to in the Order of Approval of the International Joint Commission of October 29, 1952.

SEC. 2. *Establishment of United States Section of St. Lawrence River Joint Board of Engineers.* There is hereby established the United States Section of the St. Lawrence River Joint Board of Engineers, composed of two members and hereinafter referred to as the United States Section. The Secretary of the Army and the Chairman of the Federal Power Commission are hereby designated members. Each may designate an alternate to act for him as member of the United States Section.

SEC. 3. *Duties of the United States Section.* The United States Section shall represent the Government of the United States on the Joint Board of Engineers in the performance of the duties specified in condition (g) of the Order of Approval, and is authorized to act with the Canadian Section in the approval of the plans and specifications of the works and the programs of construction thereof, submitted for approval of the respective Governments as required by the Order of Approval, and to assure the construction of the works in accordance with such approval.

SEC. 4. *Assistance to the United States Section.* The Department of the Army and the Federal Power Commission are authorized to furnish such assistance, including facilities, supplies and personnel, to the United States Section as may be consonant with law and necessary for the purpose of effectuating this order.

SEC. 5. *Reports to the President.* The United States Section shall submit its final report to the President upon the completion of construction and shall submit such interim reports as may appear to be desirable.

SEC. 6. *Effective date.* This order shall be effective upon the date that the License becomes final.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 4, 1953.

[F. R. Doc. 53-9494; Filed, Nov. 5, 1953;
10:57 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Production and Mar-
keting Administration (Marketing
Agreements and Orders), Depart-
ment of Agriculture

[Navel Orange Reg. 1]

PART 914—NAVEL ORANGES GROWN IN
ARIZONA AND DESIGNATED PART OF CALI-
FORNIA

LIMITATION OF HANDLING

§ 914.301 *Navel Orange Regulation 1—(a) Findings.* (1) Pursuant to the marketing agreement and Order No. 14

(18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation

for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on October 29, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., November 8, 1953, and ending at 12:01 a. m., P. s. t., February 1, 1954, no handler shall handle any Navel oranges, grown in District 4, which are of a size smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum size, but not less than 2.20 inches in diameter, shall be permitted: *Provided*, That in determining the percentage of oranges which are smaller than 2.31 inches in diameter, such percentage shall be based only on those oranges which are of a size 2.43 inches in diameter and smaller, but oranges in any container must average not less than a diameter of 2.375 inches. The aforesaid tolerance is on a container basis but individual packages in any lot may contain not more than double the tolerance specified: *Provided*, That the average for the entire lot is within the tolerance specified: *Provided further* That at least one orange which does not meet the requirements shall be permitted in any one package.

(2) As used in this section, "handler," "handle," and "District 4," shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 3d day of November 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-8402; Filed, Nov. 5, 1953; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6105]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN LABOR DIGEST

Subpart—*Advertising falsely or misleadingly*: § 3.15 *Business status, advantages, or connections*: Customer connection; location; § 3.135 *Nature*: Product or service; § 3.205 *Scientific or other relevant facts*; § 3.250 *Success, use or standing*. Subpart—*Enforcing dealings or payments wrongfully*: § 3.1045 *Enforcing dealings or payments wrongfully*. Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 3.1395 *Customer connection*; § 3.1475 *Location*, Goods: § 3.1685 *Nature*; § 3.1740 *Scientific or other relevant facts*; § 3.1755 *Success, use or standing*. Subpart—*Offering unfair improper and deceptive inducements to purchase or deal*: § 3.1928 *Customer connection or action*, § 3.2063 *Scientific or other relevant facts*. In connection with the publication of the American Labor Digest, or any other similar publication, and in connection with the offering for sale and sale of advertising space in said American Labor Digest and the distribution thereof in commerce: (1) Representing, directly or by implication: (a) That the American Labor Digest is a regular monthly publication or that single copies thereof may be purchased; (b) that the American Labor Digest has subscribers, is supported by subscriptions, is distributed to subscribers, or to the general reading public; (c) that the American Labor Digest is a publication representing labor or is supported or recognized by labor or any labor organization or labor union; (d) that respondent maintains an office in Washington, D. C., or any other city when such is not the fact; (e) that any advertisement for which respondent is requesting payment through statements of account or otherwise has been inserted with the authorization of the advertiser contrary to the fact; (f) that any advertisement appearing in a prior edition of respondent's publication has been inserted with the authorization of the advertiser or paid for by him contrary to the fact; and (2) requiring or demanding payment for advertisements which have not been authorized or approved, prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Charles Samuel Bernstein d. b. a. American Labor Digest, Baltimore, Md., Docket 6105, October 6, 1953]

In the Matter of Charles Samuel Bernstein, an Individual, Doing Business as American Labor Digest

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, and respondent's answer, in which respondent admitted all of the material allegations of fact set forth in said complaint and

specifically waived all intervening procedure and further hearing as to said facts.

Thereafter, the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and answer, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,¹ conclusions drawn therefrom,² and order to cease and desist.

Thereafter, following the Commission's review of said initial decision, the matter was disposed of by "Decision of the Commission and Order to File Report of Compliance", dated October 6, 1953, as follows:

This matter coming on to be heard by the Commission upon its review of the hearing examiner's initial decision herein; and

The Commission having duly considered the entire record and being of the opinion that said initial decision is adequate and appropriate to dispose of the proceeding:

It is ordered, That the attached initial decision of the hearing examiner¹ shall on the 6th day of October, 1953, become the decision of the Commission.

It is further ordered, That the respondent, Charles Samuel Bernstein, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondent, Charles Samuel Bernstein, an individual, his agents, representatives and employees, in connection with the publication of the American Labor Digest, or any other similar publication, and in connection with the offering for sale and sale of advertising space in said American Labor Digest and the distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That the American Labor Digest is a regular monthly publication or that single copies thereof may be purchased;

(b) That the American Labor Digest has subscribers, is supported by subscriptions, is distributed to subscribers, or to the general reading public;

(c) That the American Labor Digest is a publication representing labor or is supported or recognized by labor or any labor organization or labor union;

(d) That respondent maintains an office in Washington, D. C., or any other city when such is not the fact;

(e) That any advertisement for which respondent is requesting payment through statements of account or otherwise has been inserted with the author-

¹ Filed as part of the original document.

ization of the advertiser contrary to the fact;

(f) That any advertisement appearing in a prior edition of respondent's publication has been inserted with the authorization of the advertiser or paid for by him contrary to the fact.

2. Requiring or demanding payment for advertisements which have not been authorized or approved.

Issued: October 6, 1953.

By the Commission.

[SEAL] ALEX AKERMAN, Jr.,
Secretary.

[F. R. Doc. 53-9383; Filed, Nov. 5, 1953;
8:48 a. m.]

[Docket 6107]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

BLOTTING PAPER MANUFACTURERS ASSN.
ET AL.

Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—*Combining or conspiring:* § 3.400 *To discriminate or stabilize prices through basing-point or delivered-price systems;* § 3.430 *To enhance, maintain or unify prices.* Subpart—*Selling and quoting on systematic, price-matching basis:* § 3.2193 *Zone, freight equalization and other delivered-price systems.* In connection with the sale and distribution of blotting paper and on the part of respondent association, and its officers, and on the part of the six corporate respondents, and their corporate officers, etc., entering into, continuing, cooperating in, or carrying out, any planned, common course of action, understanding, agreement, combination, or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and persons engaged in any line of commerce as to ordinarily compete with any of said respondents to (1) fix, establish, or maintain by any manner whatever uniform prices, discounts, terms, or conditions of sale of blotting paper; (2) use in the quoting of prices on or in the sale of blotting paper, the differentials in price for variance in color, weight, size, trim, packaging, type or quantity of blotting paper heretofore fixed or established; (3) fix, establish or maintain any differentials in price for any variance in color, weight, size, finish, trim, packaging, type, or quantity of blotting paper; (4) use in quoting prices on, or in the sale of blotting paper, the geographical zones or the price differentials between such zones heretofore fixed, or fix, establish, or maintain any geographical areas or zones for pricing purposes or any differentials in price between any such areas or zones for use in quoting prices on or in the sale of blotting paper; and (5) use or maintain the trade practices heretofore formulated and agreed upon, or agree upon or formulate and use any trade practices which specify prices or differentials in prices to be used in quoting prices on, or

in the sale of blotting paper, or any similar set of rules or formula which results in uniform identical prices or fixed variances in prices; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Blotting Paper Manufacturers Association et al., New York, N. Y., Docket 6107, October 8, 1953]

In the Matter of the Blotting Paper Manufacturers Association, Paul Travis, Individually and as President of Respondent Association; Graham A. Carlton, Individually and as Vice President of Respondent Association; Eric G. Lagerlof, Individually and as Secretary and Treasurer of Respondent Association, Joseph Parker & Son Co., a Corporation; The Wrenn Paper Company, a Corporation; The Rochester Paper Company, a Corporation; Albemarle Paper Manufacturing Company, a Corporation; Standard Paper Manufacturing Company, a Corporation; and Mead Corporation, a Corporation, Respondents

This proceeding was instituted by complaint which charged respondents with the use of unfair methods of competition and unfair acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice" dated October 9, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on October 8, 1953, and ordered entered of record as the Commission's findings as to the facts,¹ conclusion,² and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondents The Blotting Paper Manufacturers Association, and its officers; Paul Travis, individually and as President of respondent Association; Graham A. Carlton, individually and as Vice President of respondent Association; Eric G. Lagerlof, individually and as Secretary and Treasurer of respondent Association; Joseph Parker & Son Co., a corporation; The Wrenn Paper Company, a corporation; The Rochester Paper Company, a corporation; Albemarle Paper Manufacturing Company, a corporation; Standard Paper Manufacturing Company, a corporation; and Mead Corporation, a corporation, and the corporate respondents' officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale and distribution of blotting paper, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out, any planned, common course of action, understanding, agreement, combination, or conspiracy between and among any

¹ Filed as part of the original document.

two or more of said respondents, or between any one or more of said respondents and persons so engaged in any line of commerce as to ordinarily compete with any of said respondents to do or perform any of the following acts:

1. Fixing, establishing, or maintaining by any manner whatever uniform prices, discounts, terms or conditions of sale of blotting paper.

2. Using in the quoting of prices on or in the sale of blotting paper, the differentials in price for variance in color, weight, size, trim, packaging, type or quantity of blotting paper heretofore fixed or established; or,

3. Fixing, establishing or maintaining any differentials in price for any variance in color, weight, size, finish, trim, packaging, type, or quantity of blotting paper.

4. Using in quoting prices on, or in the sale of blotting paper, the geographical zones or the price differentials between such zones heretofore fixed, or fixing, establishing, or maintaining any geographical areas or zones for pricing purposes or any differentials in price between any such areas or zones for use in quoting prices on or in the sale of blotting paper.

5. Using or maintaining the trade practices heretofore formulated and agreed upon, or agreeing upon or formulating and using any trade practices which specify prices or differentials in prices to be used in quoting prices on, or in the sale of blotting paper, or any similar set of rules or formula which results in uniform identical prices or fixed variances in prices.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this 8th day of October 1953.

Issued: October 9, 1953.

By the direction of the Commission.

[SEAL] ALEX AKERMAN, Jr.,
Secretary.

[F. R. Doc. 53-9381; Filed, Nov. 5, 1953;
8:47 a. m.]

[Docket 6103]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

BENNETT COAT CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin—Maker or seller—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, of ladies'

coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool" "reprocessed wool" or "reused wool" as those terms are defined in said act, misbranding such products by: (1) Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein; (2) failing to affix securely to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; and (3) failing to set forth separately on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers contained in the interlinings of such wool products as provided in Rule 24 of the rules and regulations promulgated under said Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) [Cease and desist order, Bennett Coat Co., Inc., et al., New York, N. Y., Docket 6108, October 6, 1953]

In the Matter of Bennett Coat Co., Inc., a Corporation, and George Tlumak and Louis I. Krieger Individually

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, and respondents' answer, in which they admitted all of the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearings as to such facts.

Thereafter, the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon the complaint and answer, and said examiner, having duly considered the matter, and having found

that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,¹ conclusion drawn therefrom,¹ and order to cease and desist.

Thereafter, following the Commission's review of said initial decision, the matter was disposed of by "Decision of the Commission and Order to File Report of Compliance" dated October 6, 1953, as follows:

This matter coming on to be heard by the Commission upon its review of the hearing examiner's initial decision herein; and

The Commission having duly considered the entire record and being of the opinion that said initial decision is adequate and appropriate to dispose of the proceeding:

It is ordered, That the attached initial decision of the hearing examiner¹ shall on the 6th day of October, 1953, become the decision of the Commission.

It is further ordered, That the respondents, Bennett Coat Co., Inc., a corporation, and George Tlumak and Louis I. Krieger, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That respondent Bennett Coat Co., Inc., a corporation, and its officers, and respondents George Tlumak and Louis I. Krieger, individually, and respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool" "reprocessed wool" or "reused wool" as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to affix securely to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to set forth separately on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers contained in the interlinings of such wool products as provided in Rule 24 of the rules and regulations promulgated under said Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939. *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

Issued: October 6, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 53-9382; Filed, Nov. 5, 1953; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART E—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

MISCELLANEOUS AMENDMENTS

1. In paragraph (a) of § 21.2005, a new subparagraph (15) is added as follows:

§ 21.2005 *Definitions.* (a) * * *

(15) The term "non-veteran-student" means a person who is neither receiving educational or training benefits under Public Laws 16 or 346, 78th Congress, as amended, Public Law 894, 81st Congress, as amended, or Public Law 550, 82d Congress, nor is having all or any part of his tuition, fees, or other charges paid to or for him by the educational institution.

2. In § 21.2011, paragraphs (b) and (c) are amended to read as follows:

§ 21.2011 *Determinations respecting active service requirements.* * * *

(b) *Questionable discharges.* In all cases where the discharge is neither honorable nor dishonorable, and it is not clear whether the circumstances under which the veteran was discharged or released from active duty might bar eligibility to education or training, the question will be referred by memorandum to the adjudication division (regional office), to the compensation and

¹ Filed as part of the original document.

pension service (Veterans Benefits Office, District of Columbia cases) for appropriate determination, prior to initiating further action toward the issuance of a Certificate for Education and Training.

(c) *Discharges for disability.* When an application for education or training is received and the veteran had fewer than 90 days' service as defined in paragraph (d) of this section, but was discharged for disability, the Vocational rehabilitation and education activity will refer the facts in the case to the adjudication division (regional office cases) or to the compensation and pension service (Veterans Benefits Office, District of Columbia, cases) for development of disability service data and a formal memorandum rating as to whether such discharge was by reason of an actual service-incurred injury or disability.

3. In § 21.2014, paragraph (b) (4) is amended to read as follows:

§ 21.2014 *Duration of veteran's education or training.* * * *

(b) *Limitations and extensions.* * * *

(4) In apprentice or other training on the job, and institutional on-farm training courses, entitlement will not be extended under any circumstances.

4. In § 21.2015, paragraphs (b) and (c) are amended to read as follows:

§ 21.2015 *Considerations respecting training under other laws administered by the Veterans' Administration.* * * *

(b) *Training under Part VII, Veterans Regulation 1 (a), following training under Public Law 550, 82d Congress.* (1) For the purpose of preventing the pyramiding of benefits, a veteran who enters, continues to pursue for a period of more than 30 days, or resumes training under this law after need for vocational rehabilitation has been established will be limited to a total period of training under both this law and Part VII which will not exceed:

(i) The time that normally would have been required to train the veteran to employability in the objective selected had he chosen training under Part VII when he became eligible therefor; or

(ii) The total of the veteran's original entitlement under this law,

whichever is the greater.

(2) When a veteran while in training or during a period of interruption for a valid reason under this law becomes eligible under Part VII and is determined to be in need of vocational rehabilitation, subject to the limitations of subparagraph (1) of this paragraph if applicable, there shall be prescribed and provided whatever course of rehabilitation is needed to restore his employability notwithstanding any education or training he may have received under any laws administered by the Veterans' Administration. If the period of time required to rehabilitate the veteran under Part VII combined with the total period of training which the veteran has received under all other laws administered by the Veterans' Administration will exceed 48 months, the provisions of § 21.206 will be for application.

(c) *Educational and vocational guidance required for veterans eligible under both Part VII, Veterans Regulation 1 (a) and Public Law 550, 82d Congress.*

(1) When a veteran who has basic eligibility under Part VII applies for education or training under this law, he will be notified to report for required educational and vocational guidance prior to action on his application, and, if he does report, a determination will be made as to whether he is in need of vocational rehabilitation: *Provided*, That the veteran will not be required to report for educational and vocational guidance if a determination as to need for vocational rehabilitation has previously been made on the basis of a disability resulting from service on or after June 27, 1950. If need is determined to exist, the right of the veteran to select a program under this law will not be abridged, but any further benefit under Part VII will be subject to the limitations of paragraph (b) (1) of this section.

(2) When a veteran while in training or during a period of interruption for a valid reason under this law becomes eligible under Part VII, he will be notified to report for required educational and vocational guidance, and, if he does report, a determination will be made as to whether he is in need of vocational rehabilitation. If need is determined to exist, the right of the veteran to continue training under this law will not thereby be abridged, but any further benefit under Part VII will be subject to the limitations of paragraph (b) (1) of this section.

(3) If the veteran, upon due notification, willfully or through neglect, fails to report for educational and vocational guidance as required in subparagraphs (1) and (2) of this paragraph, or refuses to cooperate in the counseling procedure to the extent necessary to determine whether need exists, and thereafter enters, continues to pursue, or resumes training under this law, his eligibility under Part VII will be forfeited. When it is established that a veteran's failure to report was due to reasons beyond his control, his eligibility will not be forfeited, but if such veteran enters, continues to pursue, or resumes training under this law without reporting for educational and vocational guidance and at a later date applies for vocational rehabilitation under Part VII, further benefits under Part VII will be subject to the limitations of paragraph (b) (1) of this section in the same manner as though need for vocational rehabilitation had been determined to exist.

(4) If it is found that the veteran was ill, hospitalized, or incompetent at the time he was requested to report, his failure to report will not be held to constitute willfulness or neglect.

(4) When the veteran's physical or mental condition is such that it is not practicable to provide educational and vocational guidance or that the vocational rehabilitation board established in the regional office under the provisions of § 21.715 determines that training is not medically feasible for him, he will be informed that upon the basis of medical opinion it is recommended that he defer training until his condition improves to

such extent that medical feasibility of training may be established and educational and vocational guidance may be completed. If, after being provided such information, the veteran persists in his desire for action upon his application, it will be approved, if otherwise in order, and if the veteran enters, continues to pursue, or resumes training under this law without completing required educational and vocational guidance, future benefits under Part VII will be subject to the limitations contained in paragraph (b) (1) of this section in the same manner as though need for vocational rehabilitation had been determined to exist.

(5) For the purposes of this paragraph, a veteran will be presumed to have basic eligibility under Part VII when a Veterans' Administration claims activity has determined that compensation is payable under the provisions of Part I, Veterans Regulation 1 (a) as amended, or would be except for the receipt of retirement pay, and the veteran has been notified to that effect.

(6) A veteran who has basic eligibility under Part VII at the time of application for or who becomes eligible under Part VII while in training under this law or in a valid interrupted status, and who is in a foreign country (other than the Republic of the Philippines) either at the time of application for benefits under the law or determination of basic eligibility under Part VII will not be requested to report for educational and vocational guidance. However, such veteran will be notified that any further benefit under Part VII will be subject to the limitations of paragraph (b) (1) of this section, if he continues training under this law.

5. In paragraph (d) of § 21.2032, a new subparagraph (1) is added as follows:

§ 21.2032 *Change of program.* * * *

(d) *Adjustments not considered a change of program.* * * *

(1) When the predetermined and identified objective is a baccalaureate degree requiring the completion of a 4-year undergraduate curriculum in an institution of higher learning, the objective shall be considered to be the completion of a 4-year undergraduate curriculum leading to a baccalaureate degree, although a particular curriculum or degree objective such as a bachelor of science degree in agriculture may have been designated by the veteran on his application or by the institution on the enrollment certification. Therefore, where a veteran and an institution desire to revise the specific undergraduate degree objective which had been designated by the institution on the veteran's enrollment certification to another undergraduate degree objective (for example, from a B. S. degree in agriculture to an A. B. degree in liberal arts) the determination of whether such a revision constitutes a change of program will depend upon whether there is involved any extension of the time originally required to be expended for completion of the veteran's program arising either by reason of factors affecting acceptance of pre-

viously determined credit hours toward the newly designated degree objective, or otherwise. When such a revision involves no extension of the time originally required to be expended for completion of the veteran's program no change of program is involved, but the institution must certify to the Veterans' Administration for record purposes:

- (i) That the change does not involve any such extension in point of time; and
- (ii) The designation of the revised degree objective to which the veteran has changed.

The certification in each such case to be made on VA Form 7-1996a at the end of the month during which such change was made. When such a revision is proposed involving an extension of the time originally required to be expended for completion of the veteran's program, a request for approval of a change of program must be forwarded by the veteran to the Veterans' Administration prior to effecting the revision since such a proposed revision will constitute a change of program under the law.

6. In paragraph (a) of § 21.2035, the introduction and subparagraphs (2) (3) and (4) are amended to read as follows:

§ 21.2035 *Minimum number of non-veteran-students required.* (a) The Administrator is not authorized to approve the enrollment or reenrollment (except for the purpose of resuming training after an interruption during a period, when no instruction was given by the institution) of any eligible veteran in any nonaccredited course below the college level offered by a proprietary profit or proprietary nonprofit educational institution, for any period during which the Administrator finds that more than 85 percent of the students enrolled in the course are having all or any part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans' Administration under Part VII or Part VIII of Veterans Regulation 1 (a) as amended, (38 U. S. C. ch. 12) or under the provisions of Public Law 894, 81st Congress, as amended, Public Law 550, 82d Congress, or all of them.

(2) In determining that the proper ratio exists:

(i) Each part-time student will be counted on the basis of the ratio that the part-time training bears to full-time training. Such determinations may be made by converting all part-time students to the equivalent of full-time students or by adding the total number of hours per week for which nonveteran-students are enrolled and the total number of hours per week for which all students are enrolled and determining the percentage ratio of total hours for non-veteran-students to the total hours of all students.

(ii) Where the course is given in two or more sections which are offered at the same or different hours of the day or week, the total enrollment for all sections of the course will be considered.

(iii) The ratio of nonveteran-students to the total number of students shall be

determined for each course approved separately as a course by the State approving agency except that:

(a) Where a course identical in total instructional hours is approved by the State approving agency to be offered on a full-time and on a part-time basis as separately approved courses the simultaneous combined enrollment in the full-time and part-time courses will be considered as the total enrollment for the course.

(b) Where the same course is offered on different class schedules and the State approves each class schedule separately as a course the simultaneous combined enrollment in all such separately approved courses shall be considered as the total enrollment for the course.

(c) Where a State approving agency approves as a separate course a comprehensive course which is made up of the subject matter either currently or previously offered by the institution as separate independent unit courses or curricula the completion of which constitutes a normal terminal point, the ratio of nonveteran-students to the total number of students will be computed on the basis of the combined total number of full-time equivalent students pursuing any subject, or group or groups of subjects included within the comprehensive course, regardless of the name or names of the courses for which such students are enrolled by the institution. A veteran whose currently pursued program of study consists of a separate independent unit course or curriculum included in such a comprehensive course and who requests and has approved a change of program which consists of normal progression within the comprehensive course shall not be denied continuation in the course because of the percentage limitation.

(iv) In a school offering flight training courses the actual hours of logged instructional time for enrolled students (eliminating plane rental time for which no bona fide instruction was furnished by the school) will provide the basis for the determination. Compliance with this requirement of the law with respect to the ratio of at least 15 percent non-veteran-students will be determined for each course, controlled and noncontrolled, on the basis of logged hours of instructional flight time furnished by the institution during the 30-day period immediately preceding the date the veteran is to be enrolled. The certification required under section (3) part IV of VA Form 7-1999, will not be completed by the flight institution, unless during such 30-day period the institution furnished in the same course in which the veteran is to be enrolled no less than 15 percent of the total course logged instructional flight hours to bona fide nonveteran-students. In making this determination, the institution will for each controlled and noncontrolled course:

(a) Recognize as a nonveteran-student only those students whose enrollment has been accepted for the specific purpose of qualifying for a CAA pilot rating not already held by the nonveteran; and

(b) Include in the total hours of flight training furnished during the preceding 30-day period only those hours which were furnished to nonveteran-students for the purpose of qualifying for the CAA rating examination appropriate to the course of training, and for which the nonveterans have made or will make payment.

(3) A school will be deemed to be a proprietary nonprofit school when it is privately owned and operated whether by an individual, or individuals, or by a corporation, and when it is exempt from taxation under paragraph (6), section 101, of the Internal Revenue Code.

(4) At the time an eligible veteran is enrolled in an approved nonaccredited course below the college level offered by a proprietary profit or proprietary nonprofit educational institution, an authorized employee or official of the institution furnishing such course shall certify to the Veterans' Administration on VA Form 7-1999 that, at the time of the enrollment of the individual veteran for which the certification is made, not more than 85 percent of the students then enrolled in the course are having all or any part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans' Administration under Part VII or Part VIII of Veterans Regulation 1 (a), as amended, or Public Law 550, 82d Congress. The determination as to the percentage ratio shall be made pursuant to the provisions of this section. In any case where it appears that the certification by an authorized employee or official of an institution has been made improperly the provisions of § 21.2208 (d) shall be applied. If it is determined by the committee on educational allowances that the false report was not the result of a knowing or willful act of the institution, payments to veterans already enrolled therein will not be discontinued. However, if it is determined that the false report was the result of a knowing or willful act of the institution payments to all veterans enrolled in the institution under the law will be discontinued pursuant to the provisions of § 21.2208 (d), and the matter will be further processed pursuant to the provisions of § 21.2307.

7. Section 21.2037 is revised to read as follows:

§ 21.2037 *Institutions listed by Attorney General.* (a) The Administrator will not approve enrollment of, nor payment of an education or training allowance to, any eligible veteran in any course in an educational institution or training establishment while such institution or establishment is listed by the Attorney General under Executive Order No. 10450.

(b) The director, training facilities service, will furnish promptly to each regional office and each State approving agency current information on the schools and establishments listed by the Attorney General under Executive Order No. 10450.

8. In paragraph (a) of § 21.2203, a new subparagraph (5) is added as follows:

§ 21.2203 Approval of accredited courses—(a) Accredited courses. * * *

(5) Under the provisions of subparagraph (1) (i) of this paragraph, any curriculum offered by a college or university which is a member of one of the nationally recognized accrediting agencies or associations and which curriculum leads to a degree, diploma, or certificate will be accepted by the Veterans' Administration as an accredited course when approved as such by the State approving agency. Approval of the individual subjects, required or elective, which are designated by the institution as a part of the curriculum leading to the degree, diploma, or certificate will not be necessary. Such approval may include non-credit subjects as are prescribed by the institution as a required part of the curriculum leading to the degree, diploma, or certificate, whether for individual students who may need the course to make up an entrance deficiency or for any other purpose.

9. In § 21.2208, paragraph (d) is amended to read as follows:

§ 21.2208 Disapproval of courses and discontinuance of allowances under Public Law 550, 82d Congress. * * *

(d) (1) Notwithstanding the approval of a course by a State approving agency, the Administrator, pursuant to section 256 (b) of the law, is authorized to discontinue the education and training allowance of any eligible veteran if he finds that the course of education or training in which such veteran is enrolled fails to meet any of the requirements of the law, or if he finds that the educational institution or training establishment offering such course has violated any provision of the law or has failed to meet any of its requirements.

(2) When it has been determined as provided in this paragraph that one or more of the following conditions exist, the education and training allowance of all eligible veterans enrolled in the course or courses offered by an educational institution or training establishment will be discontinued pursuant to such responsibility and authority and the manager will not thereafter approve the enrollment or reenrollment of any eligible veteran therein unless specifically authorized in advance to do so by the Assistant Deputy Administrator for Vocational Rehabilitation and Education.

(i) The educational institution or training establishment has willfully and knowingly made a false report or certification concerning a veteran or his course or training resulting in an improper payment of allowances to the veteran.

(ii) The educational institution or training establishment has willfully and knowingly failed to report to the Veterans' Administration excessive absences from a course or discontinuance or interruption of a course by a veteran, which failure resulted in improper payment of allowances to the veteran.

(iii) The educational institution or training establishment through gross negligence has submitted improper and incorrect reports which caused improper payment of allowances to veterans. This

condition will not be found to exist where the improper report occurs only in an isolated instance or instances, or where it is the first occurrence and the educational institution or training establishment has not been notified previously in writing, or where the improper report or reports represent a very small proportion of the reports submitted by the educational institution or training establishment and may be attributed to clerical errors and are shown not to be the result of the failure of the educational institution or training establishment to provide a recording and reporting procedure which under normal circumstances would have resulted in proper reports to the Veterans' Administration.

(iv) The educational institution or training establishment after written notice of a violation of a provision of the law or of a failure of the course to meet a specific requirement of the law other than one of the approval criteria, has failed to correct the situation within 30 days of date of such notice or has knowingly and willfully repeated the violation.

(v) A proprietary educational institution, profit or nonprofit, willfully and knowingly has falsely certified in connection with the enrollment of a veteran in a nonaccredited course below the college level, that not more than 85 percent of the students enrolled in the course at the time of the certification are having all or any part of their tuition and fees paid to or for them by the educational institution or the Veterans' Administration under Part VII or Part VIII of Veterans Regulation 1 (a) or this law.

(vi) The educational institution willfully and knowingly has charged or received from an eligible veteran any amount in excess of the established charges for tuition and fees which the educational institution requires similarly circumstances nonveterans enrolled in the same course to pay, except as provided in § 21.2067.

(vii) The educational institution or training establishment fails or refuses to make available for examination to duly authorized representatives of the Government records and accounts pertaining to the training of eligible veterans enrolled therein under the law.

(viii) When in accordance with section 256 (b) of the law the requirements of section 251, 252, or 254 of the law with regard to courses of education or training are not being met in respect to a substantial number of veterans and, written notice having been given to the State approving agency as to specific requirements not being met, the failures have not been eliminated within 30 days after such notice.

(3) There shall be established in each regional office a committee on educational allowances comprised of 3 staff employees of the regional office, one of whom shall be the chief of the vocational rehabilitation and education division and the others as designated by the manager. There is hereby delegated to the committee on educational allowances the authority to determine that the education and training allowance of all eligible veterans enrolled in a course or courses offered by an educational in-

stitution or training establishment shall be discontinued when the committee finds any one of the conditions set forth in subparagraph (2) (i) through (viii) of this paragraph to exist. The decision of the committee relating to any one of the conditions set forth in subparagraph (2) (i) through (viii) of this paragraph with respect to the discontinuance of allowances shall be the final administrative determination of the Veterans' Administration unless within a period of 30 days following such decision there is filed with the Assistant Deputy Administrator for Vocational Rehabilitation and Education by the manager of the regional office, the educational institution or the training establishment, a written request for a review of such decision setting forth the alleged errors of fact or conclusion with a brief of the points relied upon to establish such error. In any case where a request for a review is filed within 30 days, the final administrative decision will be made in accordance with the provisions of § 21.2209.

(4) Where the manager reasonably establishes that a condition exists as set forth in subparagraph (2) of this paragraph which would require the discontinuance of the education and training allowance of all eligible veterans enrolled in a course or courses offered by an educational institution or training establishment, he will refer the matter immediately to the committee on educational allowances for action as provided in subparagraph (8) of this paragraph. Where a case is referred to the committee because of the condition set forth in subparagraph (2) (viii) of this paragraph and the committee finds, after a hearing if requested, that the requirements of section 251, 252, or 254 of the law are not being met with respect to a substantial number of veterans, a report of the committee's findings and the basis therefor and its recommended decision will be forwarded to the Assistant Deputy Administrator for Vocational Rehabilitation and Education for final administrative decision as provided in § 21.2209.

(5) Where the manager finds that the course apparently fails to meet the requirements of the law or that an educational institution or training establishment has apparently violated any provision of the law or has failed to meet any of its requirements and where such failure or violation does not involve any of the specific criteria upon which the approval of the course was based or it is not one which would cause the discontinuance of the education and training allowance to all eligible veterans as set forth in subparagraph (2) of this paragraph, the manager, unless the matter has already been satisfactorily adjusted through a visit of an educational benefits representative or otherwise, will forward to the educational institution or training establishment a summary of the facts and his conclusions, advising the educational institution or training establishment of the asserted failure or violation. The educational institution or training establishment will be requested to report to the Veterans' Administration within 30 days from the date of the notice as

to the correction or noncorrection of the asserted failure or violation or to submit a rebuttal of the reported failure or violation. If the educational institution or training establishment takes proper corrective action, any appropriate adjustments in individual veterans' cases will be made by the vocational rehabilitation and education division and the case will not be referred to the committee on educational allowances. If the reply of the educational institution or training establishment discloses that the failure or violation is not corrected or if no reply is received within 30 days of the date of notification, the case will be referred to the committee on educational allowances for action as provided in subparagraph (8) of this paragraph on the day following the date of receipt of the reply or the day following the expiration of the 30-day period, whichever is earlier.

(6) Where the manager finds that an educational institution, training establishment, or course apparently fails to meet any one of the specific criteria provided in section 251, 252, or 254 of the law upon the basis of which the course was approved by the State approving agency for the enrollment of veterans, he shall forward immediately to the appropriate State approving agency a summary of the facts and his conclusions advising that further action by the Veterans' Administration will be held in abeyance for a period of 30 calendar days to enable the State approving agency to ascertain the facts and report to the Veterans' Administration as to its findings and conclusions and any action taken with respect thereto and as a result thereof. Where the action taken by the State approving agency results in disapproval, the case will not be referred to the committee on educational allowances but payments to veterans will be discontinued effective the date the notice of disapproval is received in the Veterans' Administration or the effective date of the disapproval, whichever is later. If, as a result of the action by the State approving agency, the failure or violation is eliminated or corrected, any appropriate adjustments in individual veterans' cases will be made by the vocational rehabilitation and education division and the case will not be referred to the committee on educational allowances. Where the State approving agency fails to act by the end of the 30-day period or if the approval is continued where, in the opinion of the manager, the failure or violation has not been eliminated or corrected, the case will be referred to the committee on educational allowances for action as provided in subparagraph (8) of this paragraph.

(7) Where the manager finds that an accredited course or an educational institution offering such course apparently fails to meet either of the specific criteria provided in section 253 (b) of the law upon the basis of which the course was approved by the State approving agency for the enrollment of veterans, he shall forward immediately to the appropriate State approving agency a summary of the facts to enable the State approving agency to make any inquiry or to take any action deemed by it to be necessary.

Where the action taken by the State approving agency results in disapproval, payments to veterans will be discontinued effective the date the notice of disapproval is received in the Veterans' Administration or the effective date of the disapproval, whichever is later. If, as a result of the action by the State approving agency, approval of the educational institution or course is continued, the decision of the State approving agency will be considered to be final.

(8) In all cases referred by the manager for consideration of the committee on educational allowances, the committee will arrange for a hearing to be held within 15 calendar days from the date of receipt. The educational institution or training establishment (and the State approving agency where a specific approval criterion as provided in section 251, 252, or 254 of the law is involved) will be advised immediately in writing of the date and place of the hearing and reason therefor, and of the opportunity to appear before the committee on educational allowances and present arguments or briefs in the matter of the asserted failure or violation or to submit a written statement thereof prior to the date of the hearing. The educational institution or training establishment may be represented by counsel but no expenses of counsel or witnesses for the educational institution or training establishment will be borne by the Veterans' Administration. A record of the hearing will be made and a copy given to the educational institution or training establishment and the State approving agency. By unanimous or majority concurrence of its members, the committee on educational allowances shall render a decision or recommend a decision, as appropriate, within a period of not more than 7 calendar days after the date on which the hearing is held. Such decision or recommended decision will be in accordance with the facts established by a preponderance of evidence, provided that in any case of a course approved under section 251, 252, or 254 of the law, where the question is limited to the exercise of judgment as to quality and content of the course of instruction, the adequacy of instructional equipment, space, and material or the educational experience and qualifications of directors, administrators, instructors, and trainers, the evaluation of the State agency will be accepted unless it is clearly and unmistakably established that the requirements of the law are not being met. The decision or recommended decision of the committee shall be in writing and shall include a concise resume of the facts and will set forth clearly a conclusion as to whether payments of allowances shall be discontinued as to veterans already enrolled and withheld as to veterans not already enrolled. The educational institution or training establishment shall be furnished by the manager with a copy of the decision of the committee on educational allowances relating to any one of the conditions set forth in subparagraph (2) (i) through (vii) of this paragraph, and will be informed of the finality of such decision unless a review is requested as

provided in § 21.2209. A copy of a recommended decision of the committee on educational allowances relating to the condition set forth in subparagraph (2) (viii) of this paragraph shall be furnished by the manager to the State approving agency and such agency will be informed of the further action to be taken by the Veterans' Administration. In any case, a copy of the final administrative decision of the Assistant Deputy Administrator for Vocational Rehabilitation and Education shall be furnished by the manager to the educational institution or training establishment and the State approving agency.

(9) In any case where payments of allowances are discontinued because of any one of the conditions set forth in subparagraph (2) of this paragraph, the effective date of such discontinuance will be the date on which a decision was made by the committee on educational allowances, except that, for the condition set forth in subparagraph (2) (viii) of this paragraph, the effective date of discontinuance will be the date notice of final decision by the Assistant Deputy Administrator for Vocational Rehabilitation and Education is received in the regional office.

(10) In any case where payments of allowances are discontinued or the application of a veteran for entrance or reentrance into training is denied because of any of the conditions set forth in subparagraph (2) of this paragraph, the veteran will be informed of the reasons for discontinuance or denial and that his rights to education and training benefits are not otherwise affected.

(11) Adjustments made in the payments of education and training allowances to individual veterans to bring such payments in accord with the established dates of attendance, appropriate full or part-time rates, and like matters are the responsibility of the authorizing officer. In any such case where appeal is timely filed by the veteran for appellate review, the case is for consideration by the board of veterans appeals, the committee on educational allowances having no jurisdiction.

10. A new § 21.2209 is added as follows:

§ 21.2209 *Review of decisions of the committee on educational allowances.* Where the Assistant Deputy Administrator for Vocational Rehabilitation and Education receives from the manager of the regional office, the educational institution, or training establishment, a written request for review of a decision of the committee on educational allowances within a period of 30 days following such decision, or where he receives a recommended decision relating to the condition set forth in § 21.2208 (d) (2) (viii) the interested parties will be afforded an opportunity to appear at a hearing to offer testimony or arguments before a panel instituted for such purpose. The panel will be comprised of one staff employee of the office of the Assistant Deputy Administrator for Vocational Rehabilitation and Education and two designated consultants who are not employees of the Veterans' Administration and will be responsible for reviewing all evidence and testimony and for making

a recommendation to the Assistant Deputy Administrator for Vocational Rehabilitation and Education as to the proposed decision. The concurrence of the Assistant Deputy Administrator for Vocational Rehabilitation and Education with a unanimous or majority recommendation of the panel will constitute the final administrative decision of the Veterans' Administration. If the Assistant Deputy Administrator for Vocational Rehabilitation and Education does not concur with the unanimous or majority recommendation of a panel, the matter will be referred by appropriate memorandum to the Administrator for final decision.

11. In § 21.2302, paragraph (h) is amended to read as follows:

§ 21.2302 *Conflicting interests.* * * *

(h) There is hereby delegated to the Assistant Deputy Administrator for Vocational Rehabilitation and Education the authority to grant waivers in the case of any employee who meets the criteria set forth in paragraph (g) of this section and to deny all requests for waivers which do not meet such criteria, except those requests which, in the opinion of the Assistant Deputy Administrator for Vocational Rehabilitation and Education, should be submitted to the Administrator for final decision. The Administrator reserves the right to grant waivers in the case of any employee who does not meet all of the criteria set forth in paragraph (g) of this section, when he determines that no detriment will result to the United States or to eligible veterans by reason of the interest or connection of the officer or employee involved.

12. In § 21.2303, paragraphs (a) (1) and (c) (1) and (2) are amended to read as follows:

§ 21.2303 *Reports by institutions—*
(a) *Certification forms required.* * * *

(1) The enrollment or reenrollment of a veteran shall be certified by the educational institution or training establishment on VA Form 7-1999.

(i) If the veteran is enrolled in an institution of higher learning in an undergraduate curriculum leading to a degree objective, it is expected that the institution's certification of enrollment will designate the specific curriculum or degree objective for which the veteran is enrolled, e. g., A. B. liberal arts, B. S. engineering, B. S. business administration, etc., except that where it is the practice of the institution to enroll students originally in the "lower division" with the selection of the specific field of specialization for the baccalaureate degree objective postponed until the completion of the lower division curriculum, the institution shall certify to the Veterans' Administration as the name of the veteran's course "Lower division—baccalaureate degree," and such a certification will be deemed adequate for Veterans' Administration purposes: *Provided, however* That at the time of the veteran's next enrollment in his program immediately following the completion of the lower division curriculum, the institution shall certify to the Veterans'

Administration the exact degree objective for which the veteran becomes enrolled. This adjustment in the name of the veteran's objective under these circumstances will not be considered to be a change of program.

(ii) If the veteran is enrolled in a junior college, the institution shall certify to the Veterans' Administration the established curriculum in which he is enrolled, e. g., prelaw, preengineering, associate of arts, etc., irrespective of the fact that the veteran may have indicated on his application for a program of education or training that his program objective was a 4-year undergraduate college course leading to a baccalaureate degree.

(c) *Administrative allowance for preparation of reports and certifications.*

(1) The Administrator shall pay to each educational institution which is required to submit reports and certifications to the Veterans' Administration under Public Law 550, 82d Congress, an allowance at the rate of \$1.50 per month for each eligible veteran enrolled in and attending such institution to assist the educational institution in defraying the expense of preparing and submitting such reports and certifications: *Provided*, That pursuant to the provisions of Public Law 149, 83d Congress, the allowance to be paid to the educational institution for reports and certifications covering attendance on and after September 1, 1953, to and including June 30, 1954, shall be \$1.00 per month for each eligible veteran enrolled in and attending the institution.

(2) The amount of such allowance to be paid each eligible institution shall be computed on the basis of \$1.50 or \$1.00 as provided in subparagraph (1) of this paragraph for each required certification of training actually received by the Veterans' Administration for the reporting period.

13. In § 21.2305, that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 21.2305 *Overpayments of education and training allowances and other Veterans' Administration benefits.* (a) Where a veteran has failed to make arrangements with the finance activity to restore or refund an outstanding overpayment of benefits made under laws administered by the Veterans' Administration, and due the Government, the educational benefits activity may not thereafter reenter the veteran into training so long as the overpayment is outstanding. In any such instance, the educational benefits activity will be responsible for giving proper notification to the veteran and the institution.

14. In § 21.2306, paragraph (e) is amended and a new paragraph (f) is added as follows:

§ 21.2306 *Examination of records.* * * *

(e) Each training establishment which is enrolling or has enrolled eligible veterans under Public Law 550, 82d Congress, shall, upon request by duly au-

thorized representatives of the Veterans' Administration or other Federal agencies, make available for examination all appropriate records pertaining to such training including, but not limited to, payroll records, records of progress, and records of attendance.

(f) Failure to make such records available as provided in this section shall be grounds for discontinuing the payment of education or training allowances to veterans enrolled under Public Law 550 in such educational institutions or training establishments. (See § 21.2203.)

15. Section 21.2307 is revised to read as follows:

§ 21.2307 *False or misleading statements.* The Veterans' Administration shall not make any payments under Public Law 550, 82d Congress, to any person found by the Veterans' Administration to have willfully submitted any false or misleading claim. In each case where the manager of a regional office finds that an educational institution or training establishment has willfully submitted a false or misleading claim, or where a veteran, with the complicity of an educational institution or training establishment has submitted such a claim, the manager shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the United States District Attorney, for appropriate action. The latter shall be done in accordance with existing Veterans' Administration Regulations by the chief attorney or the General Counsel, if he is of the opinion that there is a basis for either civil or criminal action.

16. In paragraph (a) of § 21.2308, the unnumbered portions following subparagraphs (4) and (6) are amended to read as follows:

§ 21.2308 *Criminal penalties and forfeitures; forfeiture of rights.* (a) * * *

(4) * * *

such employee shall refer the case of the chief attorney within a regional office, or the General Counsel, if in central office, who, after such preliminary investigation as may be necessary, will determine

(6) * * *

In the event of affirmative finding as to subparagraph (5) of this paragraph, the chief attorney, or the General Counsel, will refer the case to the United States Attorney or to the Department of Justice, as the case may be, for consideration or any necessary action; and, if the finding as to subparagraph (6) of this paragraph be in the affirmative, that is, that the forfeiture provisions of Public 2, 73d Congress, are involved, will refer the case to the appropriate adjudication officer for reference to the committee on waivers and forfeitures of central office.

(Sec. 261, 66 Stat. 678)

This regulation is effective November 6, 1953.

[SEAL] CHARLES W. CURRAN,
Acting Chief,
General Administrative Division.

[F. R. Doc. 53-9397; Filed, Nov. 5, 1953; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 61]

**COTTONSEED SOLD OR OFFERED FOR SALE
FOR CRUSHING PURPOSES (INSPECTION,
SAMPLING, AND CERTIFICATION)**

**REVISION OF FEES FOR REVIEW GRADING OF
COTTONSEED**

By virtue of the authority vested in me by order of the Secretary of Agriculture dated August 7, 1953 (18 F. R. 4839), notice is hereby given that the United States Department of Agriculture is considering amending § 61.46 of the regulations governing cottonseed sold or offered for sale for crushing purposes (7 CFR, Part 61) pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83rd Cong., approved July 28, 1953)

Under the proposed amendment the fee for the review of the grading of any lot of cottonseed would be increased from \$6.00 to \$9.00. Of each such fee collected \$1.00 would be covered into the Treasury of the United States and \$4.00 disbursed to each of the two licensed chemists designated to make reanalyses of the seed. This change is proposed because the operating expenses of licensed chemists in connection with the performance of their duties incident to review gradings have increased substantially since June 1943—the effective date of the \$6.00 fee. The prevailing fee charged by licensed chemists for an analysis of a cottonseed sample is approximately \$4.00.

Section 61.46 would be changed to read as follows under the proposed amendment:

§ 61.46 *Fees for review of grading of cottonseed.* For the review of the grading of any lot of cottonseed the fee shall be \$9.00. Remittance to cover such fee, in the form of a certified check, draft, or money order payable to the Treasurer of the United States, shall accompany each application for review. Of each such fee collected \$1.00 shall be covered into the Treasury and \$4.00 disbursed to each of the two licensed chemists designated to make reanalyses of such seed.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 2d day of November 1953.

[SEAL] HOWARD H. GORDON,
Administrator

[F. R. Doc. 53-9401; Filed, Nov. 5, 1953;
8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 7, 8]

[Docket No. 10724]

**STATIONS ON LAND AND SHIPBOARD IN
MARITIME SERVICES**

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation in the Mississippi River system areas by coast stations and ship stations, on currently assignable frequencies for telephony within the band 4000 kc to 18,000 kc; and to include authority for operation by such stations on other frequencies for telephony within the same band; Docket 10724.

The American Waterways Operators, Inc., has requested a forty-five day extension of time in which to comment on

the subject docket involving the plan of frequency assignments to be utilized on the "Rivers" maritime mobile system.

The Commission is of the opinion that an extension of this length of time will seriously handicap the overall solution of several National frequency problems involving other services. However in an effort to permit sufficient time for the American Waterways Operators, Inc., to assemble their comments, an extension of two weeks is being made.

The original date for filing comments was November 4, 1953. This time is hereby extended to November 18, 1953.

Adopted: November 2, 1953.

Released: November 3, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9403; Filed, Nov. 5, 1953;
8:52 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10734]

ARCTIC RADIO TELEPHONE CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of revocation of license of Aeronautical and Aeronautical Fixed Station KXD6/KWX75, Arctic Radio Telephone Company, P. O. Box 1601, Anchorage, Alaska; Docket No. 10734.

The Commission having under consideration alleged violations of the Communications Act of 1934, as amended, and the terms of the license wilfully committed by the licensee of the above-described station;

It appearing, that the above-designated licensee has wilfully transferred the control of Station KXD6/KWX75 in violation of section 310 (b) of the Communications Act of 1934, as amended, and the expressed terms of the license, by leasing the station to the Standard Oil Company, installing it on the premises of that Company's agent and permitting it to be operated by the said agent;

It further appearing, that the above station is being operated as a facility duplicating the service of Station KWS7/KWF74 in violation of the expressed terms of the license, by being operated at an unauthorized location:

It is ordered, Pursuant to section 312 (c) of the Communications Act of 1934, as amended, that Arctic Radio Telephone Company show cause why the license of its Aeronautical and Aeronautical Fixed Station KXD6/KWX75 should not be revoked; and

It is further ordered, That a hearing in this matter will be held in Washington, D. C., on the 14th day of December, 1953, in order to determine whether an order revoking said license should be issued and that Arctic Radio Telephone Company is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, That the Acting Secretary shall mail a copy of this order to the licensee by Registered Mail—Return Receipt Requested.

Adopted: October 29, 1953.

Released: November 2, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9405; Filed, Nov. 5, 1953;
8:53 a. m.]

* Section 1.402 of the Commission's rules provides that in order to avail himself of the opportunity to appear before the Commission at the time and place specified in the Show Cause Order, the licensee shall within thirty (30) days from the date of receipt of this order inform the Commission in writing whether he will appear or whether he waives his rights to a hearing. Waiver of a hearing may be accompanied by a statement of reasons why said licensee believes that an Order of Revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in this order. Failure to respond within the above 30-day period, or failure to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the Order to Show Cause.

[Docket No. 10735]

ARCTIC RADIO TELEPHONE CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of revocation of license of Aeronautical and Aeronautical Fixed Station KWS7/KWF74, Arctic Radio Telephone Company, P. O. Box 1601, Anchorage, Alaska; Docket No. 10735.

The Commission having under consideration alleged violations of the Communications Act of 1934, as amended, and the terms of the license wilfully committed by the licensee of the above-described station;

It appearing, that the above-designated licensee has wilfully transferred the control of Station KWS7/KWF74 in violation of section 310 (b) of the Communications Act of 1934, as amended, and the expressed terms of the license, by leasing the station to Wein Alaska Airlines, installing it on its premises and permitting it to be operated by that company.

It is ordered, Pursuant to section 312 (c) of the Communications Act of 1934, as amended, that Arctic Radio Telephone Company show cause why the license of its Aeronautical and Aeronautical Fixed Station KWS7/KWF74 should not be revoked; and

It is further ordered, That a hearing in this matter will be held in Washington, D. C., on the 14th day of December 1953, in order to determine whether an order revoking said license should be issued and that Arctic Radio Telephone Co. is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, That the Acting Secretary shall mail a copy of this order to the licensee by Registered Mail—Return Receipt Requested.

Adopted: October 29, 1953.

Released: November 2, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] Wm. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9404; Filed, Nov. 5, 1953;
8:53 a. m.]

*Section 1402 of the Commission's rules provides that in order to avail himself of the opportunity to appear before the Commission at the time and place specified in the Show Cause Order, the licensee shall within thirty (30) days from the date of receipt of this order inform the Commission in writing whether he will appear or whether he waives his rights to a hearing. Waiver of a hearing may be accompanied by a statement of reasons why said licensee believes that an Order of Revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in this order. Failure to respond within the above 30-day period, or failure to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the Order to Show Cause.

STATEMENTS OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND PUBLIC INFORMATION

AMATEUR AND COMMERCIAL RADIO OPERATOR EXAMINATION POINTS

In the matter of amendment of 0.213 (c) regarding amateur and commercial radio operator examination points.

The Commission having under consideration a modification of its amateur and commercial radio operator license examination points; and

It appearing, that the number of examinations given at certain points does not warrant further scheduling of examinations at such points and at certain other points examinations may be given annually rather than semiannually; and

It is ordered, Pursuant to authority delegated to the Secretary after having secured approval of the Field Engineering and Monitoring Bureau and pursuant to authority contained in section 4 (1) and 303 (r) of the Communications Act of 1934 as amended and section 3 (a) of the Administrative Procedure Act that section 0.213 (c) of the Commission's rules be amended as set forth below effective immediately.

Adopted: October 30, 1953.

Released: October 30, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] Wm. P. MASSING,
Acting Secretary.

Amend Section 0.213 (c) to read as follows:

SEC. 0.213 (c) Radio Operator Examinations are given frequently under announced schedules at the Commission's Washington examination office at Room 104, Briggs Building, Twenty-second and E Streets NW., Washington 25, D. C. and at each of the Commission's field offices listed in section 0.40. Examinations are also given frequently, by appointment, at the Commission's offices at the following points: Savannah, Ga., San Diego, Calif., Tampa, Fla., Mobile, Ala., Juneau, Alaska; and Anchorage, Alaska.

Examinations are also given at less frequent intervals at the places named below, which are visited for that purpose by Commission examiners from the district offices. For current schedules,

exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY POINTS

Birmingham, Ala.	Milwaukee, Wis.
Charleston, W. Va.	Nashville, Tenn.
Cincinnati, Ohio.	Oklahoma City, Okla.
Cleveland, Ohio.	Omaha, Nebr.
Columbus, Ohio.	Phoenix, Ariz.
Corpus Christi, Tex.	Pittsburgh, Pa.
Davenport, Iowa.	St. Louis, Mo.
Des Moines, Iowa.	Salt Lake City, Utah.
Fort Wayne, Ind.	San Antonio, Tex.
Fresno, Calif.	Schenectady, N. Y.
Grand Rapids, Mich.	Sioux Falls, S. Dak.
Indianapolis, Ind.	Syracuse, N. Y.
Jackson, Miss.	Tulsa, Okla.
Knoxville, Tenn.	Williamsport, Pa.
Little Rock, Ark.	Winston-Salem, N. C.
Memphis, Tenn.	

ANNUAL

Bangor, Maine.	Marquette, Mich.
Billings, Mont.	Rapid City, S. Dak.
Jamestown, N. Dak.	Springfield, Mo.
Klamath Falls, Oreg.	Tallahassee, Fla.
Manchester, N. H.	

SEMIANNUAL

Albuquerque, N. Mex.	Lihue, Kauai, T. H.
Amarillo, Tex.	Louisville, Ky.
Bakersfield, Calif.	Portland, Maine.
Boise, Idaho.	Roanoke, Va.
Butte, Mont.	Spokane, Wash.
El Paso, Tex.	Tucson, Ariz.
Hartford, Conn.	Wichita, Kans.
Hilo, Hawaii, T. H.	Wilmington, N. C.
Jacksonville, Fla.	Wailuku, Maui, T. H.

[F. R. Doc. 53-9406; Filed, Nov. 5, 1953;
8:53 a. m.]

[Canadian Change List 78]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 7, 1953.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power kw	Antenna	Schedule	Class	Probable date to commence operation
NEW-----	Montreal, Quebec-----	820 kilocycles 10	DA-1	U	II	Oct. 7, 1954.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
Wm. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9407; Filed, Nov. 5, 1953; 8:54 a. m.]

[U. S. Change List 529]

U. S. STANDARD BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 21, 1953.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

This notification consists of a list of changes, proposed changes, and corrections in assignments of United States Standard Broadcast Stations modifying the Appendix containing assignments of United States Standard Broadcast Stations, Mimeograph #48126, attached to the "Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941," as amended.

UNITED STATES

Call letters	Location	Power kw	Antenna	Schedule	Class	Date of FCC action	Proposed date of change or commencement of operation
WHLM...	Bloomsburg, Pa. (PO: 690 kc 1Kw DA D).	550 kilocycles 0.5	DA-2	U	III-B	Oct. 21, 1953	Oct. 21, 1954.
WOLN....	Indianola, Miss. (delete assignment).	900 kilocycles					
WAYZ....	Waynesboro, Pa.-----	1330 kilocycles 1	ND	D	III	-----	N in O with new station.
(NEW)....	Durham, N. C.-----	1410 kilocycles 1	ND	D	III	Oct. 21, 1953	Oct. 21, 1954.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9408; Filed, Nov. 5, 1953; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6047]

FLYING TIGER-SLICK MERGER CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on November 17, 1953, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 3, 1953.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 53-9400; Filed, Nov. 5, 1953; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 27]

ORGANIZATION AND FUNCTIONS

CONVERSION OF AVIATION SAFETY DISTRICT OFFICE AT SAN JUAN, P. R., TO INTERNATIONAL FIELD OFFICE

In accordance with the public information requirements of the Administrative Procedure Act, the description of the Organization and Functions of the Civil Aeronautics Administration is hereby amended. The purpose of this amendment is to discontinue the CAA Aviation Safety District Office at San Juan, P. R., and to establish in its place a CAA International Field Office. The area served by the CAA International Field Office at San Juan, P. R., shall include Puerto

Rico, the Virgin Islands, the Dominican Republic, Haiti, the Lesser Antilles (British and French) Trinidad, and British, French and Dutch Guiana.

1. Section 43 (b) (4) (ii) published on October 15, 1953, in 18 F. R. 6571, is amended by deleting from the table for Region II the line which reads: "Puerto Rico, San Juan, Room 226, Hangar 20, Isla Grande Airport, P. O. Box 4764, (C)"

2. Section 44 (c) (2) (ii) published on August 9, 1952, in 17 F. R. 7307, is amended by adding to the list of CAA International Field Offices the following:

San Juan, P. R., CAA International Field Office, Room 226, Hangar 20, Isla Grande Airport, San Juan, P. R. (P. O. Box 4764, Isla Grande Airport, San Juan, P. R.)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53-9370; Filed, Nov. 5, 1953; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6499]

DELAWARE POWER AND LIGHT CO. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

OCTOBER 30, 1953.

In the matter of Delaware Power and Light Company, the Eastern Shore Public Service Company of Maryland, Eastern Shore Public Service Company of Virginia, Docket E-6499.

Upon consideration of the request by Counsel for Delaware Power & Light Company filed October 27, 1953, for a continuance of the hearing now scheduled to commence on November 23, 1953;

Notice is hereby given that the hearing in the above-designated matter is postponed to be held on December 10, 1953, at 10:00 a. m., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C., and the date upon which the respondent companies are required to submit the cost of service study, rates, etc., is postponed to November 23, 1953.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9371; Filed, Nov. 5, 1953; 8:45 a. m.]

[Docket No. E-6529]

WEST PENN POWER CO.

NOTICE OF APPLICATION

OCTOBER 30, 1953.

Take notice that on October 29, 1953, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by the West Penn Power Company (hereinafter called West Penn) a corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in the States of West Virginia and Pennsylvania, with its principal business office at Pittsburgh, Pennsylvania, seeking an order authorizing West Penn to acquire from the Natrona Light and Power Company of Pennsylvania (hereinafter called Natrona) a Pennsylvania corporation with its principal business office at Philadelphia, Pennsylvania, all of the latter's electric transmission and distribution facilities situated in the Borough of Brackenridge and the Township of Harrison, Allegheny County, Pennsylvania, except that part of the transmission and the distribution plant which is located on the plant site of Pennsylvania Salt Manufacturing Company and used solely for the purpose of distributing electric current to its manufacturing operations. West Penn proposes to buy and Natrona proposes to sell said transmission and distribution facilities for a cash consideration of \$508,000, subject to certain adjustments; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard to make any protest with respect to said application, should on or before the 20th day of November 1953, file with the Federal Power Commission, Washington 25, D. C., the objection or protest in accordance with the Commission's rules of practice and procedure.

The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9372; Filed, Nov. 5, 1953; 8:45 a. m.]

[Docket No. E-6530]

LAKE SUPERIOR DISTRICT POWER CO.

NOTICE OF APPLICATION

OCTOBER 30, 1953.

Take notice that on October 29, 1953 an application was filed with the Federal

Power Commission pursuant to section 203 of the Federal Power Act by the Lake Superior District Power Company (hereinafter called Lake Superior), a corporation organized under the laws of the State of Wisconsin and doing business in the States of Michigan and Wisconsin, with its principal business office at Ashland, Wisconsin, seeking an order authorizing the merger of its facilities with those of Northern Wisconsin Power Company (hereinafter called Northern Wisconsin) a Wisconsin corporation with its principal place of business at Ashland, Wisconsin.

Lake Superior, as owner of all of the outstanding capital stock of Northern Wisconsin, will consolidate the electric operating facilities of the latter with its electric operating facilities with no substantial change in the present use of the facilities of either Northern Wisconsin or Lake Superior. The transmission systems of both companies are presently physically connected and Lake Superior, as the surviving corporation, proposes to continue to render the service heretofore rendered by Northern Wisconsin; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with respect to said application, should on or before the 20th day of November 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9373; Filed, Nov. 5, 1953;
8:45 a. m.]

[Docket No. G-1879]

UNITED GAS PIPE LINE CO.

NOTICE OF ORDER FURTHER AMENDING OPINION AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NOVEMBER 2, 1953.

Notice is hereby given that on October 30, 1953, the Federal Power Commission issued its order adopted October 29, 1953, further amending Opinion No. 232 and order of July 25, 1952 (17 F. R. 7064) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9387; Filed, Nov. 5, 1953;
8:49 a. m.]

[Docket No. G-1988]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 2, 1953.

Notice is hereby given that on October 30, 1953, the Federal Power Commission issued its order adopted October 29, 1953, issuing certificate of public convenience

and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9388; Filed, Nov. 5, 1953;
8:50 a. m.]

[Docket Nos. G-2016, G-2297]

SOUTHERN COUNTIES GAS CO. OF CALIFORNIA

ORDER SUSPENDING PROPOSED RATE SCHED- ULES AND CONSOLIDATING PROCEEDINGS

On September 30, 1953, Southern Counties Gas Company of California (Southern) filed Third Revised Sheet No. 4 and Fourth Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1, containing increased rates and charges which are proposed to be made effective as of November 1, 1953.

The proposed revision would result in an estimated increase of \$21,000 in the presently effective rates and charges to the San Diego Gas and Electric Company (San Diego) based on Southern's sales for the twelve-month period ending June 30, 1953. This proposed increase arises in connection with a proposed change in rate form which Southern alleges is necessary. The new filing retains the cost of service facility charge associated with the Moreno-Rainbow lateral used exclusively to serve San Diego and introduces a demand-commodity type rate for the present fixed main line facility charge and commodity charge.

The increased rates and charges and the change in the form of the rate provided in said proposed Third Revised Sheet No. 4, and Fourth Revised Sheet No. 5 as filed on September 30, 1953, have not been shown to be justified, and may be unjust or unreasonable.

By order issued August 1, 1952, the Commission suspended Southern's proposed rate increase of \$495,000 in Docket No. G-2016 pending hearing and decision as to the lawfulness of such rates. Thereafter, by order of the Commission the proposed rates were allowed to go into effect under bond effective January 1, 1953. The present filing constitutes a further increase above the rates now in effect under bond.

Inasmuch as the issues involved in both dockets relate to the lawfulness of the rate charged for gas sold by Southern to San Diego, it is appropriate to consolidate the matters for hearing and disposition.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the above-docketed proceedings be consolidated and that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of (a) Southern's FPC Gas Tariff, Original Volume No. 1, as amended by Second Revised Sheet No. 4 and Third Revised Sheet No. 5 and as proposed to be amended by Third Revised Sheet No. 4 and Fourth Revised Sheet No. 5 and (b) service agreements under said tariff, and that said Third Revised Sheet No. 4 and

Fourth Revised Sheet No. 5 and the rate schedules therein contained be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) The matters involved in the above-docketed proceedings be and they hereby are consolidated for purposes of hearing and disposition.

(B) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held at a time and place to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, and classifications contained in Southern's FPC Gas Tariff, Original Volume No. 1, as amended by Second Revised Sheet No. 4 and Third Revised Sheet No. 5 and as proposed to be amended by Third Revised Sheet No. 4 and Fourth Revised Sheet No. 5.

(C) Pending such hearing and decision thereon, Third Revised Sheet No. 4 and Fourth Revised Sheet No. 5 to Southern's FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof is deferred until April 1, 1954, unless otherwise ordered by the Commission, and until such further time thereafter as said proposed sheets may be made effective in the manner prescribed by the Natural Gas Act.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 29, 1953.

Issued: October 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9376; Filed, Nov. 5, 1953;
8:46 a. m.]

[Docket Nos. G-2065, G-2066]

SOUTHERN NATURAL GAS CO. AND CHATTA- HOOCHEE NATURAL GAS CO.

NOTICE OF ORDER DENYING APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 2, 1953.

Notice is hereby given that on October 30, 1953, the Federal Power Commission issued its order adopted October 29, 1953, denying applications for certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9389; Filed, Nov. 5, 1953;
8:50 a. m.]

[Docket No. G-2038]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF EXTENSION OF TIME

OCTOBER 30, 1953.

Upon consideration of the motion of Texas Illinois Natural Gas Pipeline Com-

pany filed October 26, 1953, for a further extension of time within which to undertake the operations, sale and service authorized by the Commission's order issued March 27, 1953, in the above-designated matter;

Notice is hereby given that a further extension of time is granted to and including December 1, 1953, within which Texas Illinois Natural Gas Pipeline Company shall complete the construction of the facilities and sell and deliver storage gas to the Natural Gas Storage Company of Illinois, authorized by said order issued March 27, 1953. Paragraph (C) (1) of said order is further amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9374; Filed, Nov. 5, 1953;
8:45 a. m.]

[Docket No. G-2099]

NATURAL GAS PIPELINE CO. OF AMERICA
NOTICE OF EXTENSION OF TIME

OCTOBER 30, 1953.

Upon consideration of the motion of Natural Gas Pipeline Company of America filed October 26, 1953, for a further extension of time within which to undertake the operations, sale and service authorized by the Commission's order issued March 27, 1953, in the above-designated matter:

Notice is hereby given that a further extension of time is granted to and including December 1, 1953, within which Natural Gas Pipeline Company of America shall actually undertake and regularly perform the operations, sale, and service authorized by said order issued March 27, 1953. Paragraph (C) (1) of said order is amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9375; Filed, Nov. 5, 1953;
8:46 a. m.]

[Docket No. G-2120]

COLORADO INTERSTATE GAS CO.

NOTICE OF ORDER AMENDING ORDER ISSUING
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY.

NOVEMBER 2, 1953.

Notice is hereby given that on October 30, 1953, the Federal Power Commission issued its order adopted October 29, 1953, amending order of July 3, 1953 (18 F. R. 4089-4090), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9390; Filed, Nov. 5, 1953;
8:50 a. m.]

[Docket No. G-2200]

GAS TRANSPORT, INC.

NOTICE OF ORDER AMENDING ORDER ISSUING
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY

NOVEMBER 2, 1953.

Notice is hereby given that on October 30, 1953, the Federal Power Commission issued its order adopted October 29, 1953, amending order of September 4, 1953 (18 F. R. 5498) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9391; Filed, Nov. 5, 1953;
8:50 a. m.]

[Docket No. G-2218]

FREDERICK GAS CO., INC.

ORDER FIXING DATE OF HEARING

Frederick Gas Company, Inc. (Applicant) a corporation with its principal place of business at 55 East Patrick Street, Frederick, Maryland, on July 23, 1953, filed an application as supplemented on October 12, 1953, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas to the Washington Gas Light Company of Maryland, Inc., or Washington Gas Light Company for resale to customers along that portion of Applicant's transmission gas pipeline located in Montgomery County, Maryland, as described in the application on file with the Commission and open to public inspection.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 8, 1953 (18 F. R. 4736)

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 9, 1953, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application herein: *Provided, however* That the Commission

may, after a noncontested hearing, dispose of the proceeding pursuant to provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: October 29, 1953.

Issued: October 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9377; Filed, Nov. 5, 1953;
8:46 a. m.]

[Docket No. G-2210]

TEXAS ILLINOIS NATURAL GAS PIPELINE
Co.

ORDER FIXING DATE OF HEARING

The Commission, by order issued July 29, 1953, in the above matter, provided for hearing at a time and place to be fixed by further order, and suspended and deferred the use until January 1, 1954, of Second Revised Sheets Nos. 5, 6, 9, and 10 and First Revised Sheets Nos. 11 and 12-A to Texas Illinois Natural Gas Pipeline Company's FPC Gas Tariff, Original Volume No. 1.

The Commission finds: It is necessary and proper in the public interest that the hearing be held, pursuant to the authority contained in section 4 of the act, concerning the lawfulness of Texas Illinois' FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Second Revised Sheets Nos. 5, 6, 9, and 10 and First Revised Sheets Nos. 11 and 12-A, at the time and place hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held, commencing February 1, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications and services contained in Texas Illinois Natural Gas Pipeline Company's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Second Revised Sheets Nos. 5, 6, 9, and 10 and First Revised Sheets Nos. 11 and 12-A.

(B) At the hearing, the parties, including Commission Staff Counsel, may reserve cross-examination until after Texas Illinois has presented and completed its case-in-chief.

(C) Texas Illinois, on or before January 22, 1954, shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the time of hearing, including five (5) copies upon Commission Staff Counsel.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of

the Commission's rules of practice and procedure.

Adopted: October 29, 1953.

Issued: October 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9378; Filed, Nov. 5, 1953;
8:46 a. m.]

[Docket No. G-2265]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

Cities Service Gas Company (Applicant) a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, on October 5, 1953 filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, for authority to construct and operate approximately 17,000 feet of 4-inch pipe line extending westerly from a point of connection with its 12-inch pipe line to Grandview Air Force Base in Cass County, Missouri, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

Notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on October 21, 1953 (18 F. R. 6693)

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on November 19, 1953, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(b) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of such rules of practice and procedure.

Adopted: October 29, 1953.

Issued: October 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9379; Filed, Nov. 5, 1953;
8:47 a. m.]

No. 218—3

[Project No. 2032, Docket No. E-6390]

CALIFORNIA OREGON POWER CO.

ORDER FIXING DATE OF ORAL ARGUMENT

On October 22, 1953, the California Oregon Power Company filed a motion requesting opportunity to present oral argument before the Commission on the issues raised by its Exceptions to the Initial Decisions of the Presiding Examiner in the above-designated matters issued October 2, 1953.

The Commission orders: The decisions of the Presiding Examiner issued October 2, 1953, and Exceptions thereto filed by the California Oregon Power Company be and the same are hereby set for oral argument on the jurisdictional issues set forth in the Exceptions which are common to both matters, on December 1, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Commission, 441 G Street NW., Washington, D. C.

Adopted: October 29, 1953.

Issued: October 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9380; Filed, Nov. 5, 1953;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-613, 31-615, 31-616, 70-3141]

CLEVELAND-CLIFFS IRON CO. AND CLIFFS POWER AND LIGHT CO.

ORDER GRANTING APPLICATIONS WITH RESPECT TO ACQUISITION OF COMMON STOCK OF NONAFFILIATED ELECTRIC UTILITY COMPANY AND REQUESTING EXEMPTIONS; ORDER DISMISSING APPLICATION REQUESTING EXEMPTION

OCTOBER 30, 1953.

In the matter of The Cleveland-Cliffs Iron Company, File No. 70-3141, File No. 31-615, File No. 31-613; The Cliffs Power and Light Company, File No. 31-616.

The Cleveland-Cliffs Iron Company ("Cliffs Iron"), an exempt holding company, and The Cliffs Power and Light Company ("Power Company") an electric utility company and a wholly-owned subsidiary of Cliffs Iron, having filed applications, and amendments thereto, requesting (a) approval pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act") of the indirect acquisition by Cliffs Iron, through Power Company, of one-half of the capital stock of Upper Peninsula Generating Company ("Generating Company") a nonaffiliated electric utility company (File No. 70-3141), and (b) exemption pursuant to sections 3 (a) (1) (File No. 31-616), 3 (a) (3) (A) (File No. 31-615), and 3 (a) (3) (B) (File No. 31-613) of themselves, as holding companies, and of their subsidiaries, as such, from the provisions of the act;

Due notice having been given of the filing of the said applications and a hearing thereon not having been requested of, or ordered by the Commission; and the Commission having examined said applications, as amended, and finding

that with respect to said applications other than that filed for exemption under section 3 (a) (3) (B) the applicable provisions of the act are satisfied and not observing any basis for adverse findings with respect to the indirect acquisition by Cliffs Iron of the capital stock of Generating Company, and deeming that under existing circumstances the granting of the applications for exemption pursuant to sections 3 (a) (1) and 3 (a) (3) (A) would not be detrimental to the public interest or the interest of investors and consumers; and Cliffs Iron having stated that upon acquisition by Cliffs Power of the stock of Generating Company, as proposed, an exemption to Cliffs Iron under section 3 (a) (3) (B) will no longer be available;

Applicants having requested that the Commission's order to be entered herein become effective upon issuance, and it appearing that the estimated fees and expenses in connection with the acquisition of the stock of Generating Company, aggregating \$4,267.50, including legal fees of \$2,000, are not unreasonable:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that Cliffs Iron's application, as amended, to acquire indirectly one-half of the capital stock of Generating Company be, and the same hereby is, granted forthwith, subject to the terms and conditions provided in Rule U-24.

It is further ordered, That the applications, as amended, of Cliffs Iron and of Power Company for exemption pursuant to sections 3 (a) (1) and 3 (a) (3) (A) be, and the same hereby are, granted forthwith.

It is further ordered, That Cliffs Iron's application for exemption pursuant to section 3 (a) (3) (B) be, and the same hereby is, dismissed, without prejudice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-9383; Filed, Nov. 5, 1953;
8:49 a. m.]

[File No. 31-614]

AMERICAN & FOREIGN POWER CO., INC.

ORDER GRANTING EXEMPTIONS

NOVEMBER 2, 1953.

American & Foreign Power Company Inc. ("Foreign Power") a registered holding company and a subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application requesting exemption of itself, as a holding company, and itself and its direct and indirect subsidiaries, as subsidiaries, from the provisions of the Public Utility Holding Company Act of 1935 ("act") pursuant to sections 3 (a) (5) and 3 (b) thereof; and

Foreign Power having waived the 30-day waiting period and having requested that the Commission's order herein become effective as soon as practicable; and

Due notice of the filing of said application having been given and no hearing thereon having been ordered by or re-

quested of the Commission, and Foreign Power having agreed that the granting of said application shall not constitute the release of any jurisdiction heretofore reserved by the Commission, in its order dated June 5, 1953 (Holding Company Act Release No. 11976) over fees and expenses concerning the proceedings in respect of the applicant under section 11 (e) of the act, and the Commission having examined the said application and the statements contained therein and having found that the applicable standards of sections 3 (a) (5) and 3 (b) are satisfied and deeming that under existing circumstances the granting of said application would not be detrimental to the public interest or the interest of investors and consumers:

It is hereby ordered, That the application of Foreign Power be, and the same hereby is, granted.

It is further ordered, That this order shall become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-9385; Filed, Nov. 5, 1953;
8:49 a. m.]

[File No. 70-3144]

WEST PENN ELECTRIC CO.

NOTICE REGARDING OPEN MARKET ACQUISITIONS OF SECURITIES OF SUBSIDIARY

NOVEMBER 2, 1953.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act") by West Penn Electric Company ("West Penn Electric") a registered holding company. West Penn Electric has designated sections 9 and 10 of the act as applicable to the proposed transactions which are summarized as follows:

West Penn Electric proposes to purchase in the open market up to, and not in excess of, 600 additional shares of common stock of West Penn Power Company, its subsidiary. West Penn Electric presently owns 3,345,767 shares, or approximately 94.983 percent, of the common stock of West Penn Power Company. The proposed acquisition of additional shares would be accomplished prior to October 1, 1954, and would result in West Penn Electric owning at least 95 percent of such stock. During the preceding twelve months, the reported "over-the-counter" bid prices have ranged from a high of \$43 per share to a low of \$34.50 per share. The closing bid and asked prices on October 16, 1953 were \$39.25 and \$40.25, respectively. West Penn Electric would incur no expenses in connection with the proposed acquisition other than usual and customary brokerage commission.

The application states that no State or Federal commission, other than this Commission and the Public Service Commission of Maryland, has jurisdiction over the proposed transactions. West Penn Electric requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than November 13, 1953, at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-9384; Filed, Nov. 5, 1953;
8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE,

DELEGATION OF AUTHORITY WITH REGARD TO DISPOSAL OF PORTION OF WATER DISTRIBUTION SYSTEM, ROBINS AIR FORCE BASE, GEORGIA

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, as amended (hereinafter referred to as "the act") I hereby authorize the Secretary of Defense to determine whether the property known as a portion of the water distribution system at Robins Air Force Base, Georgia, is required for the needs and responsibilities of Federal agencies and, should the property be determined to be surplus to the needs of the Federal Government, to dispose of such property by means deemed advantageous to the United States.

2. Prior to such determination and disposal of the property, the Secretary of Defense shall take such steps as may be appropriate to determine whether any Federal agency has need therefor and, if so, shall transfer the property to such agency upon such terms as to reimbursement as may be prescribed in accordance with the provisions of section 202 (a) of the act, as amended.

3. The authority conferred herein shall be exercised in accordance with the act and regulations of this Administration issued pursuant thereto.

4. The authority delegated herein may be redelegated to any officer or employee of the Department of Defense.

5. This delegation of authority shall be effective as of the date hereof.

Dated: November 3, 1953.

EDMUND F. MANSURE,
Administrator

[F. R. Doc. 53-9429; Filed, Nov. 4, 1953;
2:46 p. m.]

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[6516]

ADMINISTRATIVE ASSISTANT TO THE SECRETARY

DELEGATION OF AUTHORITY TO EXECUTE PURCHASE ORDERS, BILLS OF LADING AND VOUCHERS

NOVEMBER 2, 1953.

Resolved, That Robert E. Gulick, Administrative Assistant to the Secretary, is hereby granted authority to execute purchase orders for furniture, fixtures, equipment, supplies, forms, stationery, duplicating, printing or binding and for any services performed by the Government Printing Office or the General Services Administration and to execute government bills of lading.

Resolved further, That the said Robert E. Gulick is authorized to administratively approve vouchers covering expenses incurred in connection with which any such purchase orders or bills of lading were executed by him.

And resolved further, That the foregoing delegations of authority shall take effect on November 6, 1953.

(Sec. 19, 47 Stat. 737, as amended; 12 U. S. C. 1439.)

By the Home Loan Bank Board,

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 53-9398; Filed, Nov. 5, 1953;
8:51 a. m.]

[6517]

ADMINISTRATIVE ASSISTANT TO THE SECRETARY

DELEGATION OF AUTHORITY TO EXECUTE PURCHASE ORDERS, BILLS OF LADING AND VOUCHERS ON BEHALF OF THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

NOVEMBER 2, 1953.

Resolved, That Robert E. Gulick, Administrative Assistant to the Secretary, Home Loan Bank Board, is hereby granted authority on behalf of the Federal Savings and Loan Insurance Corporation to execute purchase orders for furniture, fixtures, equipment, supplies, forms, stationery, duplicating, printing or binding and for any services performed by the Government Printing Office or the General Services Administration and to execute government bills of lading.

Resolved further That the said Robert E. Gulick is authorized to administratively approve for the Federal Savings and Loan Insurance Corporation, vouchers covering expenses incurred in connection with which any such purchase orders or bills of lading were executed by him.

And resolved further, That the foregoing delegations of authority shall take effect on November 6, 1953.

(Sec. 402 (c), 48 Stat. 1257, as amended; 12 U. S. C. 1725 (c))

By the Home Loan Bank Board.

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 53-9399; Filed, Nov. 5, 1953;
8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28606]

LUMBER, SASH, AND DOORS BETWEEN
IOWA POINTS

APPLICATION FOR RELIEF

NOVEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W. J. Prueter, Agent, for the Chicago, Burlington & Quincy Railroad Company and Des Moines and Central Iowa Railway Company.

Commodities involved: Lumber, also sash and doors, carloads.

From: Clinton, Iowa.

To: Des Moines and Highland Park, Iowa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Chicago, Burlington & Quincy Railroad tariff I. C. C. No. 20343, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F. R. Doc. 53-9350; Filed, Nov. 4, 1953;
8:50 a. m.]

[4th Sec. Application 28610]

PLASTER FROM BLUE RAPIDS, KANS., TO THE
SOUTHWEST

APPLICATION FOR RELIEF

NOVEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 4031.

Commodities involved: Plaster and related articles, carloads.

From: Blue Rapids, Kans.

To: Points in southwestern territory.

Grounds for relief: Rail competition, circuitry, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 4031, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F. R. Doc. 53-9354; Filed, Nov. 4, 1953;
8:50 a. m.]

[4th Sec. Application 28612]

GLASSWARE BETWEEN POINTS IN OFFICIAL
TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Glassware, N. O. I. B. N., carloads.

Between: Points in official territory.

Grounds for relief: Rail competition, circuitry, competition with motor carriers, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4577, supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by

the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9392; Filed, Nov. 5, 1953;
8:50 a. m.]

[4th Sec. Application 28613]

IRON AND STEEL FROM CENTRAL, WESTERN,
SOUTHWESTERN AND EASTERN TERRI-
TORIES TO NADEAU, TEXAS

APPLICATION FOR RELIEF

NOVEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Iron and steel articles, carloads.

From: Points in central, western, southwestern, and eastern territories.

To: Nadeau, Texas.

Grounds for relief: Rail competition, circuitry, grouping, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3899, supp. 169. F. C. Kratzmeir, Agent, I. C. C. No. 3443, supp. 179.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F. R. Doc. 53-9393; Filed, Nov. 5, 1953;
8:50 a. m.]

[4th Sec. Application 28614]

CANS OR DRUMS FROM KANSAS CITY, MO.-
KANS., TO PONCA CITY, OKLA.

APPLICATION FOR RELIEF

NOVEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company.

Commodities involved: Cans or drums, sheet iron or steel, carloads.

From: Kansas City, Mo.-Kans.

To: Ponca City, Okla.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3919, supp. 195.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F. R. Doc. 53-9394; Filed, Nov. 5, 1953;
8:51 a. m.]

[4th Sec. Application 28615]

SOYBEANS FROM PENSACOLA, FLA., TO NEW
ORLEANS, LA.

APPLICATION FOR RELIEF

NOVEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for the Alabama Great Southern Railroad Company, New Orleans and Northeastern Railroad Company, and St. Louis-San Francisco Railway Company.

Commodities involved: Soybeans, carloads.

From: Pensacola, Fla.

To: New Orleans, La., for export.

Grounds for relief: Circuitous routes and competition with water carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1353, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F. R. Doc. 53-9395; Filed, Nov. 5, 1953;
8:51 a. m.]

[4th Sec. Application 28616]

PAPER AND RELATED ARTICLES FROM AT-
LANTA, GA., AND POINTS TAKING SAME
RATES TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

NOVEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for Atlanta and West Point Rail Road Company and other carriers.

Commodities involved: Paper and related articles, carloads.

From: Atlanta, Ga., and points taking same rates.

To: Louisville, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1218, supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F. R. Doc. 53-9396; Filed, Nov. 5, 1953;
8:51 a. m.]